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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,231	06/26/2000	Han-Cheng Zhang	ORT-1236	3016

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EXAMINER
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CHAKRABARTI, ARUN K

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 02/13/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/603,231

Applicant(s)

Zhang

Examiner

Arun Chakrabarti

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1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jan 11, 2002

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-8, 10, and 11 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-8, 10, and 11 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s): 4 and 1

20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of Group I, corresponding to claims 1-8, 10, and 11, without traverse, is hereby acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-8, 10, and 11 are rejected under 35 U.S.C. 103 (a) over Forbes et al. (PCT International Publication Number WO 93/18026) (September 16, 1993) over Hoekstra et al. (U.S. Patent 6,017,890) (January 25, 2000).

Forbes et al teach a compound of the formula (I) with all the limitations of claims 1-8 but devoid of A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine. (Abstract and page 1, lines 25-30, and page 2, line 1 to page 14, line 23).

Forbes et al also teach a pharmaceutically acceptable salts thereof (Abstract and claims 33, 36 and 37).

Forbes et al do not teach a compound with A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine.

Hoekstra et al. teach a compound with A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine (Column 1, lines 8-35 and Claim 1).

It would have been *prima facie* obvious to one having ordinary skill in the art at the time the invention was made to combine and substitute the A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine of Hoekstra et al. in the compound of the formula (I) with all the limitations of claims 1-8 but devoid of A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine of Forbes et al. since Hoekstra et al. states, "Hence, antagonists of the thrombin receptor based on SFLLRN are useful in antagonizing these protease-activated receptors and as such may be used to treat platelet mediated thrombotic disorders such as myocardial infarction, stroke, restenosis, angina,

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atherosclerosis, and ischemic attacks by virtue of their ability to prevent platelet aggregation (Column 1, lines 29-35).” An ordinary practitioner would have been motivated to combine and substitute the A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine of Hoekstra et al. in the compound of the formula (I) with all the limitations of claims 1-8 but devoid of A1 and A2, which are D- or L- amino acids selected from arginine, serine, leucine or phenyl alanine of Forbes et al. in order to achieve the express advantages, as noted by Hoekstra et al, of antagonists of the thrombin receptor based on SFLLRN which are useful in antagonizing these protease-activated receptors and as such may be used to treat platelet mediated thrombotic disorders such as myocardial infarction, stroke, restenosis, angina, atherosclerosis, and ischemic attacks by virtue of their ability to prevent platelet aggregation.

### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun Chakrabarti, Ph.D., whose telephone number is (703) 306-5818. The examiner can normally be reached on 7:00 AM-4:30 PM from Monday to Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for this Group is (703) 305-7401. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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A handwritten signature in black ink, reading "Arun K. Chakrabarti". The signature is written in a cursive, flowing style with a large initial 'A'.

**Arun Chakrabarti,**

**Patent Examiner,**

**February 7, 2002**